

AMENDED IN ASSEMBLY MARCH 28, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2422**

---

**Introduced by Assembly Member Huff**  
(Coauthors: Assembly Members DeVore, Garrick, Maze, and Silva)

February 21, 2008

---

An act to amend Section 5025 to the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2422, as amended, Huff. Corrections: undocumented felons.

Existing law specifies that *the* Department of Corrections and Rehabilitation shall implement and maintain procedures to identify, within 90 days of assuming custody, inmates serving terms in state prison who are undocumented felons subject to deportation. Existing law requires the department to report specified information concerning these inmates annually to the Legislature.

This bill would require the department to implement and maintain procedures to identify inmates serving terms in state prison or wards of the Division of Juvenile Facilities who are undocumented felons subject to deportation. The bill would further require the department to refer to United States Immigration and Customs Enforcement the name and location of any inmate or ward who *has committed a violent felony or a gang-related felony, as specified, and who* may be an undocumented alien and may be subject to deportation.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 5025 of the Penal Code, as amended by Section 5 of Chapter 565 of the Statutes of 1994, is amended to read:

5025. (a) The Department of Corrections and Rehabilitation shall implement and maintain procedures to identify inmates serving terms in state prison or wards of the Division of Juvenile Facilities who are undocumented aliens subject to deportation. This identification procedure shall be completed, as to each inmate, within 90 days of the Department of Corrections having taken custody of the inmate or ward. The Department of Corrections and Rehabilitation shall refer to United States Immigration and Customs Enforcement the name and location of any inmate or ward who *has committed a violent felony, as described in subdivision (c) of Section 667.5, or a gang-related felony, as described in Section 186.22, and who* may be an undocumented alien and who may be subject to deportation.

(b) The procedures implemented by the department, pursuant to subdivision (a), shall include, but not be limited to, the following criteria for determining the country of citizenship of any person serving a term in state prison:

- (1) Country of citizenship.
- (2) Place of birth.
- (3) Inmate's statements.
- (4) Prior parole records.
- (5) Prior arrest records.
- (6) Probation Officer's Report (POR).
- (7) Information from the Department of Justice's Criminal Identification and Information Unit.
- (8) Other legal documents.

(c) The Department of Corrections shall report annually to the Legislature the number of persons identified as undocumented aliens pursuant to subdivision (a). The reports shall contain the number of persons referred, the race, national origin, and national ancestry of persons referred, the offense or offenses for which the person was committed to state prison or the Division of Juvenile Justice Facilities, and the disposition of the referral, if known.

O